

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated December 12, 2008.

Preliminarily, and by way of procedural review, this is an RCE application in which the first Office Action was based entirely on the ground of double-patenting of the obviousness type. In applicant's Response of August, 2008, it was pointed out that the rejection was improper, given that it was merely a provisional rejection and this application was the earlier filed one.

Presently, the Office Action cites substantive prior art and made the rejection a Final Rejection, justifying the finality of the Office Action on the basis that the new prior art was submitted by applicant. However, applicant's requests a withdrawal of the finality of the rejection, given that the prior art submitted was certified as having been received from a foreign Patent Office in a counterpart foreign application "not more than three months prior to the filing of this submission".

Therefore, in the first instance, the "final rejection" status of the Office Action should be withdrawn and applicant should be permitted another submission, if necessary.

However, applicant does not believe that a further Office Action should be necessary, as applicant emphatically traverses the rejection of claims 1, 3-10, 19, 21 and 22 on grounds of anticipation by Kaida Hiromasa (JP 7-22361). Applicant also requests reconsideration of the rejection of the same claims on grounds of anticipation by Kiyose Hiromi (JP 2000-156363).

In independent claims 1, 19 and 22, a "single inner gas discharge port is arranged eccentrically to a center of said substrate held by said substrate holding/rotating element". Secondly, "an outer gas discharge port is formed on said atmosphere blocking plate and is positioned outside said single inner gas discharge port, so as to continuously and annularly enclosed said single inner gas discharge port...".

The two cited Japanese references nowhere disclose, nor even suggest the aforementioned features of claims 1, 19 and 22.

Hiromasa discloses a gas discharge port (tip of the feed pipe 30) on the center of the spreading covering 6 and the nozzle 50, for coating liquid to scatter gas to the outside (Fig. 10). However, paragraph [0036] of Hiromasa teaches that the nozzle 50 consists of stoma county lined in a same circle or slit county. That is, the nozzle 50 does not enclose the tip of the feed pipe 30 continuously and annularly.

Kiyose Hiromi discloses a gas discharge port (tip of the outer tube 16b) for discharging nitrogen gas to the center part of an atmosphere cutoff plate 12 and to arrange (so-called) 4 deliveries 28a in surrounding part of the atmosphere cutoff plate 12. However, since 4 deliveries 28a discharge gas to the chuck pin 8 of a spin base 6, it is sufficient if 4 deliveries 28a are arranged in position toward a chuck pin 8 (see [0018] and [0023]). It is not arranged so as to continuously and annularly enclose the gas discharge port of the center part.

With the nozzle 50 of Hiromasa, it is difficult to remove liquid partially since gas is not discharged from any gap between the stoma or slit. Similarly, it is more difficult to remove liquid than Hiromasa, since Hiromi's delivery 28a is only arranged in 4 positions (Hiromi's delivery 28a does not intrinsically remove liquid from a substrate).

In contrast, the present invention is able to remove liquid entirely, since the outer gas discharge port is arranged so as to continuously and annularly enclose the inner gas discharge port.

Thus, neither Hiromi nor Hiromasa teach "the outer gas discharge port that continuously and annularly enclose the inner gas discharge port". Therefore, claims 1, 19 and 22 are not anticipated by either Hiromi or Hiromasa, nor rendered obvious by either reference, or by their combined teachings.

The remaining claims in the application depend from one or the other of the aforementioned independent claims and add their own limitations. Insofar as they include their own limitations, they are distanced even further from the prior art and, therefore, all of the claims in the application should be promptly allowed.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims and pass this case to issue.

Respectfully submitted,

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